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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,608	10/21/2001	Francisco M. Galanes	M61.12-0394	7929
27366 7590 08/13/2008 WESTMAN CHAMPLIN (MICROSOFT CORPORATION) SUITE 1400 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402-3244				
EXAMINER				
HAN, QI				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/087,608

Applicant(s)

GALANES ET AL.

Examiner

QI HAN

Art Unit

2626

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-23, 25 and 27-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-23, 25 and 27-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date 05/27/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Information Disclosure Statement

3. The references listed in the Information Disclosure Statement submitted on 05/27/2008 have been considered by the examiner (see attached PTO-1449).

Response to Amendment

4. This communication is responsive to the applicant's amendment and RCE both filed on 05/27/2008. The applicant(s) amended claims 1, 15 and 29 (see the amendment: pages 2-8).

Response to Arguments

5. Applicant's arguments filed on 05/27/2008 with respect to the claim rejection under 35 USC 103, have been fully considered but are moot in view of the new ground(s) of rejection, since the amended claims introduce new issue and/or change the scope (ground) of the claims.

It is noted that the previous cited references are still applicable to the newly amended claims for the prior art rejection with new ground, because the combined teachings of the references can be properly read the amended claims (see detail below).

Claim Rejections - 35 USC § 103

6. Claims 1, 15 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over ALBAYRAK et al. (US 6,662,163 B1) hereinafter referenced as ALBAYRAK, in view of WHITE et al. (US 6,460,017 B1) hereinafter referenced as WHITE.

As per **claim 1**, ALBAYRAK discloses system and method for programming portable devices from a remote computer system (title), in client/server environment (Fig. 1), comprising:

“a set of controls configured for use on server remote from the client for defining a dialog in an authoring page for a website and used to dynamically generate client side markup in accordance with the dialog”, (col. 3, lines 51-55, ‘dynamically program portable client computer’, ‘manage voice dialogs for the purpose of interacting with and guiding users in various work tasks (necessarily including the corresponding various controls)’; col. 4, lines 24-28, ‘voice browse read a VoiceXML (markup) page...and acts upon the information and instructions (a set of controls); col. 7, line 31 to col. 8, line 67, ‘web server (i.e. website)’ includes ‘VoiceXML pages 250...are generated (creating web pages—i.e. authoring page) by the

SHIM 242 (on server --website)', 'VoiceXML templates 252' also necessarily/inherently includes a set of controls because 'each of which describes an application-specific verbal dialog (defining a dialog)', 'system configuration data' including 'the VoiceXML page currently loaded in the client (corresponding to dynamically generate client side markup)' and 'grammar files 270, which are used by the VoiceXML browser in the clients to map words spoken (i.e. using a grammar for recognition) by a user to a legal response expected by the application that is controlling (including controls) the operation of the system' (also see col. 10, lines 25-44); Fig. 5A-B, wherein combined 'CGI program' and 'application socket SHIM' can also correspond to the claimed a set of controls),

“the controls comprising at least a question control for generating markup related to audible prompting of a question, and an answer control for generating markup related to a grammar for recognition”, (col. 4, lines 22-67 and 'VoiceXML ...to create audio dialogs', 'voice browse read a VoiceXML (markup) page...and acts upon the information and instructions (controls)', 'user's voice files and application-specific grammar files (both need for speech recognition) are loaded on the client', 'play an audio prompt (interpreted as question control)' and 'wait for user to confirm (interpreted as answer control) that he completed the requested action'; Fig. 2 and col.6, lines 25-40, 'affirmative or negative response including “yes”, “no” (corresponding to answer control)' that which further suggests that the system provides a “question” related control before this response and the “answer” control for handling this response, wherein the 'voice prompt' is provided by 'using prerecorded digital speech' or 'text-to-speech synthesis'),

“each of the controls having attributes [including an attribute to indicate whether the associated control is available for activation], wherein the control are arranged in a hierarchical structure and repeatedly used with attributes having different values in order to define the dialog” (col. 8, lines 1-28, ‘VoiceXML pages...are generated from one of a set of VoiceXML templates’, ‘each of which describes an application-specific verbal dialog’; col. 9, lines 13-60, ‘for a particular situation and task (control), the SHIM provides values for the macro (control) variables (attribute)’, ‘different templates provide dialog structures for different application (also read on controls) such as picking, returns processing, and inspection’, and the example of a VoiceXML template shows the attributes (such as application, name, expr) are assigned (directly related to) values (such location, &wms_location) and has a hierarchical structure and the associate corresponding grammars (also see col. 10, lines 25-44 and Fig.4 and Fig. 5A); col. 12, lines 3-37, discloses using VoiceXML page for training steps that ‘are repeated until the voice browser terminates training’, wherein one of ordinary skill in the art would have readily recognized that the templates and the corresponding control(s) with the attribute (such as name, expr in the example) would be necessarily or inherently repeatedly used);

“a module, using the attributes provided directly from the controls in the authoring page and when executed on the server, generates client side markup based on the dialog [as a function of which controls are activated]” (Fig.4 and col. 8, lines 1-8, ‘system host interface module 242’; col. 8, lines 1-28 and col. 9, lines 12-60, as stated above; also see col. 11, lines 21-29); and

“a module configured for use on the client and when executed on the client and using the client side markup, creates a dialog [as a function of which controls are activated]”, (Fig. 2 and

col. 3, line 6-64, 'the voice browser (module used on the client) interprets voice pages received from the server...then performs (executed on client) an action based on the text response', 'dynamically program portable client computers, and to manage voice dialogs for the purpose of interacting with and guiding users in various work tasks'; col. 4, lines 24-2, 'the voices browser reads a VoiceXML (markup) page', and 'VoiceXML was designed ... to create (generate) audio dialogs that feature digitized audio and speech recognition').

ALBAYRAK does not **expressly** disclose "each of the controls having an attribute to indicate whether the associated control is available for activation" and generating/creating the dialog "as a function of which controls are activated". However, the feature is well known in the art as evidenced by WHITE who, in the same field of endeavor, discloses distributed voice web architecture and associated components and methods (title), and teaches that 'an attribute of a component is information the component has' (col. 9, lines 20-21), and provides 'endpointer' with attribute (or parameter): 'active: boolean' for reporting (indicating) the outcome of user's utterance activation according to the related dialog steps or events (associated controls available) and 'firing (generating/creating)' dialog related events accordingly (col. 20, lines 14-64), which is broadly interpreted as generating/creating a dialog as "function of which controls are activated". Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify ALBAYRAK by providing attribute reporting the outcome of activation for dialog steps or events, as taught by WHITE, for the purpose (motivation) of generating the prompt in response to the recognized speech and/or transmitting the prompt to the remote device (WHITE: col. 1, lines 50-53).

In addition, in another view, ALBAYRAK discloses the dialog between 'client' and 'server' and 'voice browser interpret: page play audio prompts (question control) and wait for user's verbal response(s) (answer control)' (Figs. 5A-5B), and teaches that 'voice browser...follows its instructions (set of controls) to carry on the application-specific dialog with user (334)' (col. 11, lines 31-32), one of ordinary skill in the art would readily recognized that this system necessarily includes activation information (attribute) indicating current running tasks (controls) and operative function in response to an interactive action (activating the function, such as playing prompts or waiting an response), in order to keep normal operation for the dialog interactions; and 'manage voice dialogs' for 'interacting with and guiding users in various work tasks' between 'client and server computers' and 'control how the client interact with the user', and 'the server "servers" VoiceXML pages to voice browsers on portable client' using the WWW protocols (or HTTP)' (col. 3, line 51 to col. 4, line10), which necessarily and/or inherently includes various elements of ML and/or VoiceXML language, including forms, controls, function calls (sub-dialog) for invoking (activate) and interacting the dialog (see detail inherent evidence in IDS: document No. CA "Voice XML Forum" filed 12/29/2006). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that the dialog (form and menu) and sub-dialog (function call) defined in VoiceXML are preferably used for invoking (activating) and interacting voice dialog, and to modify ALBAYRAK by providing activation information (attribute) indicating current running tasks (activated controls) and operative function in response to an interactive action in the dialog by using VoiceXML, for the purpose (motivation) of performing an action based on text response converted by voice browser (ALBAYRAK: col. 3, lines 11-13).

As per **claim 15**, the rejection is based on the same reason described for claim 1, because it also reads on the limitation(s) of claim 15, wherein teachings of 'the VoiceXML page currently loaded in the client' and 'grammar files 270' used by 'the VoiceXML browser in the clients to map words spoken (i.e. using a grammar for recognition) by a user to a legal response expected by the application that is controlling (including controls) the operation of the system' (col. 8, lines 9-23; also see col. 10, lines 25-44); 'different templates provide dialog structures for different application (also read on controls)' and the 'example of a VoiceXML template (control)' having the attributes and their values associated with a recognition application and/or location of grammar (file) for the application (col. 9, line 12 to col. 10, line 44), 'voice prompt' provided by 'using prerecorded digital speech' or 'text-to-speech synthesis' (col.6, lines 25-40), from ALBAYRAK, are read on the claimed "an attribute directly related to using a grammar for recognition", "location of grammar for use in recognition", and "at least one of inline text for text-to-speech conversion, location of data for audible rendering and playing of a prerecorded audio file" respectively.

As per **claim 29**, it recites a method. The rejection is based on the same reasons described for claim 15, because the method claims and apparatus claims are related as apparatus and method of using same, with each claimed element's function corresponding to the claimed method step.

7. Claims 2-5, 7-9, 11, 14, 16-19, 21-23, 25, 28 and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over ALBAYRAK in view of WHITE as applied to claim 1, and further in view of ALPDEMIR (US 2002/0035474 A1).

As per **claim 2** (depending on claim 1), ALBAYRAK in view of WHITE does not expressly disclose “the question control activates the answer control”. However, the feature is well known in the art as evidenced by ALPDEMIR who, in the same field of endeavor, discloses voice-interactive marketplace providing time and money saving benefits and real-time promotion publishing and feedback (title), comprising ‘natural language recognition’ that ‘listens users’ request in free form speech or extracts the command and/or data, ...asks additional questions of the users’(paragraph 220) and the interactions in the dialog including question/answer sequences (paragraphs 253-268), which suggests the system has capability of implementing the claimed “question control activates the answer control”. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify ALBAYRAK in view of WHITE by specifically providing question/answer interactions in the dialog, as taught by ALPDEMIR, for the purpose of providing greater interactive capability and/or communicating the speech-based representation of the particular data item to the external device (ALPDEMIR: col. 3, lines 1-2 and abstract).

As per **claim 3** (depending on claim 2), ALBAYRAK in view of WHITE and ALPDEMIR further discloses “a command control for generating markup related to a grammar for one of navigation in the markup, help with a task, and repeating an audible prompt”, (ALBAYRAK: col. 11, lines 31-32, ‘voice browser...follows it instructions (command control) to carry on the application-specific dialog with user (334)’; col. 4, lines 23-24, ‘voice XML(markup)...to create (generate) audio dialogs that feature digitized audio and speech recognition’; col. 4, lines 23-24, ‘repeating the telling (audio prompt-telling)’; ALPDEMIR: paragraphs 132 and 140, ‘ “help” there should desirably be some automated help (task)’ and

‘standard data and information formats and protocols, such as HTML, XML, and XVML (markup)’).

As per **claim 4** (depending on claim 4), ALBAYRAK in view of WHITE and ALPDEMIR further discloses “a confirmation control for generating markup related to confirming that a recognized result is correct”, (ALBAYRAK: col. 4, lines 63-66).

As per **claim 5** (depending on claim 4), ALBAYRAK in view of WHITE and ALPDEMIR further discloses “the confirmation control is activated as a function of a confidence level or a received result”, (ALPDEMIR: paragraph 176, function of ‘confirm information {confirm()}’).

As per **claim 7** (depending on claim 5), ALBAYRAK in view of WHITE and ALPDEMIR further discloses “the confirmation control activates an accept control to accept the recognized result”, (ALPDEMIR: paragraph 191, sub-grammar “yes”).

As per **claim 8** (depending on claim 5), ALBAYRAK in view of WHITE and ALPDEMIR further discloses “the confirmation control activates a deny control to deny the recognized result”, (ALPDEMIR: paragraph 191, sub-grammar “no”).

As per **claim 9** (depending on claim 5), the rejection is based on the same reason described for claim 4, because the claim recites the same or similar limitation(s) as claim 4.

As per **claim 11** (depending on claim 2), ALBAYRAK in view of WHITE and ALPDEMIR further discloses “the answer control includes a mechanism to associate a received result with one control of the set of controls”, (ALPDEMIR: paragraph 191, sub-grammar “yes” or “no”).

As per **claim 14** (depending on claim 1), ALBAYRAK in view of WHITE further discloses “a second set of controls for generating markup related to visual rendering on a client”, (ALBAYRAK: col. 2, lines 19-20 and 46 and 45-46 ‘displaying ...information from XML files’ and ‘voice browser that interprets VoiceXML programs similar to the way computer users use a graphical browser (including second set of controls) that interprets HTML program’), but ALBAYRAK in view of WHITE does not expressly disclose “wherein each control of the first-mentioned set of controls is associated with at least one of the controls of the second set of controls”. However, the feature is well known in the art as evidenced by ALPDEMIR who further discloses that ‘a message is played/displayed when a caller request businesses...the right to be announced/displayed’(paragraph 85), ‘the text information from the data is converted to speech... and played backed to the caller using the caller’s devices 106’ and ‘the information database 134...can also be accessed with a display device’ including wireless phones, PDA or palmtop ...with the ability to display standard HTML’, and suggest using ‘standard data and information formats and protocols, such as HTML, XML, VXML’ (paragraphs 138-139), which suggests the system has capability of associating voice related action with text related action by using VXML, HTML or XML for playing and displaying. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify ALBAYRAK in view of WHITE by specifically providing functionality of playing voice and displaying text (or graphics) by using VXML, HTML or XML, for the purpose of providing greater interactive capability and/or communicating the speech-based representation of the particular data item to the external device (ALPDEMIR: col. 3, lines 1-2 and abstract).

As per **claims 16-19, 21-23, 25 and 28** (depending on claim 15), the rejection is based on the same reason described for claims 2-5, 7-9, 11 and 14 respectively, because the claims recite the same or similar limitation(s) as claims 2-5, 7-9, 11 and 14 respectively.

As per **claims 30-34** (depending on claim 29), the rejection is based on the same reason described for claims 2-5 and 14 respectively, because the claims recite the same or similar limitation(s) as claims 2-5 and 14 respectively.

8. Claims 6, 12-13, 20 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over ALBAYRAK in view of WHITE and ALPDEMIR, as applied to claims 5, 11, 19, 25, and further in view of CHINN et al. (US 2002/0010715 A1) hereinafter referenced as CHINN.

As per **claim 6** (depending on claim 1), even though ALBAYRAK in view of WHITE and ALPDEMIR discloses finding match of an answer (ALPDEMIR: paragraph 228) and using 'check score' function (ALPDEMIR: paragraph 176), ALBAYRAK in view of WHITE and ALPDEMIR does not expressly disclose "the answer control includes an attribute related to a confidence level". However, the feature is well known in the art as evidenced by CHINN who, in the same field of endeavor, discloses system and method of browsing using a limited display device (title), providing accessing web content by using voice commands and markup language (paragraph 6), and teaches that 'the confidence score is a value used by the system that represents the level of certainty in recognition' and "the system may reject a request if the confidence score is below a specific threshold, or may attempt to determine with more certainty (i.e., disambiguate) a request with a confidence score that falls within a specific range' (paragraphs 186 and 222-224). Therefore, it would have been obvious to one of ordinary skill in

Art Unit: 2626

the art at the time the invention was made to modify ALBAYRAK in view of WHITE and ALPDEMIR by specifically providing information (attribute) for finding a match by using confidence score, as taught by CHINN, for the purpose of representing the level of certainty in recognition (CHINN: paragraph 186).

As per **claim 12** (depending on claim 11), the rejection is based on the reason described for claim 6, because it also reads on the limitations of claim 12.

As per **claim 13** (depending on claim 12), ALBAYRAK in view of WHITE, ALPDEMIR and CHINN further discloses that "the mechanism includes issuing an event related to operation of binding", (WHITE: col. 10, lines 41-47, 'an event-driven architecture' and teaches that 'events are "fired" (signaled)(read on issued) by the browser, ...or a content application').

As per **claims 20 and 27** (depending on claim 15), the rejection is based on the same reason described for claims 6 and 13 respectively, because the claims recite the same or similar limitation(s) as claims 6 and 13 respectively.

Conclusion

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Art Unit: 2626

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to QI HAN whose telephone number is (571)272-7604. The examiner can normally be reached on M-TH:9:00-17:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richmond Dorvil can be reached on (571)-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

QH/qh
August 11, 2008
/Qi Han/
Examiner, Art Unit 2626